



COUNTY OF SAN BERNARDINO
Workforce Development Department
POLICY MANUAL

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By

EFFECTIVE 02/06/06

SUBJECT

Expansion of WIA Dislocated Worker Eligibility Definition Criteria and Documentation

APPROVED

Terry Klenske, Chairman

POLICY STATEMENT:

To expand the definition criteria for identifying and determining eligibility to WIA Title I Dislocated Worker program services, and to expand the types of dislocated worker documentation that will be acceptable in the San Bernardino County Local Workforce Investment Area.

PROCESS:

References:

- Workforce Investment Act (WIA) Section 101 (9)
- Title 20 of the Code of Federal Regulations (CFR) Part 663 Adult and Dislocated Worker Activities under WIA
- Employment Development Department (EDD) Eligibility Technical Assistance Guide (TAG) for Program Year 2004 – 05, pp: 9 -11
- Worker Adjustment and Retraining Notification (WARN) Assembly Bill 2957, Chapter 4, Part 4, Sections 1400-1408, California Labor Code

Background Information:

WIA Sec 101 (9) establishes the official definition of a Dislocated Worker.

Title 20 CFR Part 663 interprets adult and dislocated worker services under the Act. The Act and the Regulations do not address the issues of eligibility documentation and verification. However, the Department of Labor (DOL) allows considerable state and local flexibility in this area.

The EDD Program Year 2004-05 Eligibility TAG provides guidance to California Local Workforce Investment Areas (LWIAs) on eligibility for WIA program services. The TAG forms the basis for determining an individual's enrollment into adult, youth and or dislocated worker programs. In addition, the State EDD Eligibility TAG states. "Local WIA Boards may establish policies and procedures for the One-Stop operators to use in determining an individual's eligibility as a Dislocated Worker, consistent with the definition in WIA Sec. 101 (9)."

Dislocated Worker Eligibility

- a) There are no eligibility requirements for Universal or Core A services. Any member of the general public is eligible for Core A services.
- b) To receive dislocated worker services at the Core B, Intensive, and Training levels, an applicant must:
 - Be 18 years old or older;
 - Have the legal right to work in the United States;
 - If male, have registered for Selective Service or be exempt from registration,
 - When the Local Workforce Investment Board has determined Dislocated Workers funds are limited, be a resident of or have been employed by a business located within the County of San Bernardino, and
 - Meet the definition of dislocated worker as defined at WIA Section 101 (9) [Be determined eligible under one of the eligibility group criteria listed in Section I below].

I. Dislocated Worker Definition Criteria

- 1) Demonstrating sufficient attachment to the workforce:
 - a) An individual who is not eligible for unemployment compensation but was employed for at least 3 consecutive months during the past 12 months.
 - b) A seasonal worker who had been employed 30 out of the last 52 weeks.
- 2) Unlikely to return criterion:
 - a) An individual who has worked in a declining industry/occupation as documented by any of the

following: State or local Labor Market Information, a quantified publication from a local Chamber of Commerce, local Workforce Investment Board or Economic Development Agency publication, or a qualified consultant/educational entity; or

- b) An individual who has received a lack of job offers as documented through the local EDD JS/UI office or through local job referral agencies; or
 - c) An individual who worked in an industry/occupation for which there are limited job orders in State (CalJOBS) and/or the local job match system, or
 - d) An individual who has a lack of job offers as documented by the JS/UI office, rejection letters from employers in the area or other documentation to support unsuccessful efforts to obtain employment in the prior industry, or
 - e) An individual who is insufficiently educated and/or does not have the necessary skills for re-entry into the former industry/occupation as documented by an assessment of the client's educational achievement level, comprehensive testing or by other suitable means), or
 - f) An individual who has physical or mental problems that would preclude his/her reentry into the former industry/occupation, as documented by a physician or other applicable professional
 - g) An individual whose family, personal or financial circumstances would preclude his/her reentry into the former industry/occupation as documented by an applicable professional organization, legal document, financial institution or other legal service.
- 3) Substantial Layoff criterion:
- a) Any reduction in workforce which is not the result of a plant, facility, or enterprise closure which results in an employment loss at a single site of employment during any 30 day period that represents at least one of the following:
 - i. The closure of an entire department
 - ii. The elimination of an entire class or occupation(s)
 - iii. Cessation of production on a product or manufacturing line
 - iv. The termination of at least 25% of all employees who worked 20 or more hours per week
 - v. The termination of at least 50 employees who comprised at least one third of layoff employer's workforce
- 4) General announcement of plant closing:
- a) A Federal and/or State WARN Notice
 - b) A published or electronically generated report, publication or article generated from Southern California
 - c) A report or electronic (Internet) report, publication or article from an recognized California employment entity or State or local LMI monthly or quarterly report
- 5) Unemployed as a result of general economic conditions in the community in which the individual resides:
- a) The San Bernardino County unemployment rate reaches 7 percent
 - b) A dominant local industry experiences a downsizing of 1,000 or more employees
- 6) Unemployed as a result of a natural disaster:
- a) An individual who lost employment as a result of a natural disaster as declared by Federal Emergency Management Agency (FEMA) or the Governor of the State of California.
- 7) Displaced homemaker experiencing difficulty in obtaining or upgrading employment:
- a) An individual who has been providing unpaid services to family members in the home, and
 - i. who has been dependent on the income of another family member but is no longer supported by that family member's income, and
 - ii. is unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

II. Expansion of Acceptable Sources of Documentation

- 1) When an applicant has exhausted all reasonable efforts to obtain and provide Employment Resource Center (ERC) staff with documentation to support his/her eligibility for WIA dislocated worker program services, ERC staff may accept telephone verification from a reputable employment source such as EDD, an employer, or another State or Local governmental agency.
- 2) Employment Resource Center (ERC) staff may include the use of Applicant Statements when an applicant has exhausted all reasonable efforts to obtain and provide ERC staff with documentation to support his/her dislocated worker eligibility.

- a) The use of an Applicant Statement must first be approved by the ERC supervisor, and
- b) The Applicant Statement must be supported by a written narrative from ERC staff explaining the need for the statement.